

ASSEMBLY BILL

No. 1353

**Introduced by Assembly Member Matthews
(Coauthor: Assembly Member Wiggins)**

February 21, 2003

An act to add Section 13269.1 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1353, as introduced, Matthews. Waste discharge requirements: exemption.

(1) Existing law, the Porter-Cologne Water Quality Control Act, with certain exceptions, imposes on a person for whom waste discharge requirements have been prescribed, an annual fee established by the State Water Resources Control Board, not to exceed \$20,000, but subject to an annual adjustment, on the basis of total flow, volume, number of animals, threat to water quality, and area involved. Under the act, the fees are deposited in the Waste Discharge Permit Fund, which is expended, upon appropriation, for the purposes of carrying out the act. The act authorizes a California regional water quality board to grant waivers as to a specific discharge or a specific type of discharge if the waiver is not against the public interest. The act requires all or part of the fees to be refunded if waste discharge requirements are waived.

This bill would provide that a person discharging waste is not subject to waste discharge requirements and is only subject to the one-time payment of a fee in the amount of \$50, if the appropriate regional board, subject to periodic inspections, determines that the discharge will not adversely affect, or potentially adversely affect, the quality of the waters of the state. The bill would require any person who seeks the benefit of this provision to submit to the regional board a written

certification, prepared under penalty of perjury, stating that that person's discharges will not adversely affect, or potentially adversely affect, the quality of the waters of the state. Because the bill would require the certification to be prepared under penalty of perjury, it would impose a state-mandated local program by expanding the class of persons subject to the crime of perjury.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13269.1 is added to the Water Code, to
2 read:

3 13269.1. (a) A person discharging waste is not subject to
4 waste discharge requirements, including, but not limited to,
5 monitoring, sampling, and analyses requirements, and is only
6 subject to the one-time payment of a fee in the amount of fifty
7 dollars (\$50) to the appropriate regional board, if that regional
8 board determines, subject to periodic inspections, that the
9 discharge will not adversely affect, or have the potential to
10 adversely affect, the quality of the waters of the state.

11 (b) Any person who seeks the benefit of this section shall
12 submit to the appropriate regional board a written certification,
13 prepared under penalty of perjury, stating that that person's
14 discharges will not adversely affect, or have the potential to
15 adversely affect, the quality of the waters of the state. Each
16 certification prepared pursuant to this subdivision shall be revised
17 and resubmitted to the appropriate regional board if the person
18 determines that the nature of the discharge has changed in a
19 manner that affects the validity of the certification.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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